

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00
SSO-00 ICAE-00 INRE-00 PM-05 H-01 INR-10 L-03
PA-01 SP-02 SS-15 CAB-02 COME-00 DOTE-00 EB-08
FAA-00 MCT-02 SY-05 IO-13 HA-05 TRSE-00 /085 W
-----000694 071415Z /44

O R 071352Z SEP 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 1668
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMEMBASSY WARSAW
USMISSION USNATO

C O N F I D E N T I A L SECTION 01 OF 02 BONN 16324

E.O. 11652: XGDS-1
TAGS: PGOV, BQG
SUBJECT: HIJACKING OF LOT AIRCRAFT TO BERLIN

REFS: BA) BONN 16270, B) BONN 16021

1. AT THE SEPTEMBER 6 BONN GROUP DISCUSSION OF THE SUB-
JECT, THE FRG REP (VON BRAUNMUEHL) EXPRESSED PARTICULAR
APPRECIATION FOR THE DEPARTMENT'S STATEMENT THAT "ALL OF
US (US, FRENCH, BRITISH, GERMANS) TAKE PRIDE IN INDE-
PENDENCE OF JUDICIARY." HE SAID THAT THERE SHOULD
BE NO DOUBT THAT THERE WOULD BE AN EFFECTIVE TRIAL ON THE
BASIS OF GERMAN LAW AND THAT IT WAS HIGHLY UNLIKELY THAT
THE HIJACKER WOULD BE ACQUITTED. (BEGIN COMMENT: THIS WAS AN OBVIOUS
REFERENCE TO THE FACT THAT GERMAN COURTS, AS A MATTER OF
LAW, ARE INCLINED TO TREAT GERMANS WHO COMMIT CRIMES
WHILE SEEKING TO FLEE FROM THE GDR DIFFERENTLY THAN THEY
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WOULD OTHER PERSONS COMMITTING CRIMES (PARAGRAPH 3E, REF
B).

2. IT WAS ALSO A THINLY-VEILED REBUKE TO THE FCO'S IN-
STRUCTIONS, CONVEYED TO THE BONN GROUP ON SEPTEMBER 2,
WHICH REFERRED TO "...THE CONSIDERED JUDGMENT OF THE
GERMAN AUTHORITIES THAT A BERLIN COURT COULD NOT BE

RELIED ON TO TRY THIS CASE IMPARTIALLY...". (COMMNT:
VON BRAUNMUEHL ALSO CRITICIZED THE STATEMENT AT THE SEP-
TEMBER 2 MEETING. THE UK REP. (HARPER) SAID AT
THAT TIME THE UK INSTRUCTIONS DID REFLECT WHAT THE UK
EMBASSY HAD REPORTED. END COMMENT)

3. VON BRAUNMUEHL ALSO SAID HE WAS INSTRUCTED TO EXPRESS
GRATITUDE FOR THE US POSITION ON NOT EXTRADITING THE HI-
JACKER, WHICH HE CALLED THE MOST IMPORTANT POINT TO THE
FRG. HE SAID THE FRG WAS TROUBLED BY THE FCO'S IN-
STRUCTURED POSITION THAT THE UK, FOR ITS PART, WOULD
BE PREPARED TO CONSIDER EXTRADITING THE HIJACKER TO PO-
LAND BUT IT RECOGNIZED THE STRONG FEELINGS OF ITS PART-
NERS AGAINST DOING SO. HE NOTED THE UK INSTRUCTIONS SAID
THAT IF THE HIJACKERS ARE NOT TO BE HANDED OVER, THE ES-
SENTIAL REQUIREMENT IS THAT THEY SHOULD BE EFFECTIVELY
PUT ON TRIAL, I.E. BROUGHT BEFORE A COURT WHICH IS NOT
LIKELY TO IMPOSE A QUOTE DERISORY END QUOTE SENTENCE.

4. VON BRAUNMUEHL TERMED THIS ATTITUDE "SHOCKING" AND
SAID THAT IF ANY OF THE THREE POWERS CONSIDERED EXTRA-
DITING GERMAN NATIONALS TO A COMMUNIST COUNTRY, WHICH
COULD IN TURN BE EXPECTED TO TURN THEM OVER TO THE GDR,
THIS SHOULD BE CONSIDERED IN THE LIGHT OF THE DAMAGE IT
COULD DO TO BILATERAL RELATIONS BETWEEN THE FRG AND THE
ALLIED POWER.
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5. UK REP (EYERS) SOUGHT TO EXPLAIN THE FCO'S POSI-
TION BY SAYING IT REFLECTED THE FACT THAT THE CORE OF THE
FCO VIEW IS DOMINATED BY THE BONN DECLARATION ON HIJACK-

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 16324

ING AND THE CONCERN THAT IT WOULD BE DISCREDITED IF IT
FAILED IN ITS FIRST TEST WHERE FOUR OF THE AUTHORS
OF THE DECLARATION WERE INVOLVED. HE SAID THAT WHILE
THE FCO "DISAGREES INTENSELY" WITH THE CONDITIONS WHICH
CAUSE PEOPLE TO FLEE EASTERN EUROPE, THE FCO IS MORE
CONCERNED ABOUT HIJACKING.

6. HE ALSO SAID THAT THE FCO'S INSTRUCTIONS SHOULD BE
READ AGAINST A BACKGROUND OF UK LAW. IT WAS UNDERSTANDA-
BLE THAT THE UK WOULD BE PREPARED TO "CONSIDER" EXTRADI-
TION SINCE, UNLIKE THE FRG, IT HAD NO CONSTITUTIONAL PRO-
HIBITION AGAINST EXTRADITING ITS OWN NATIONALS.

7.. VON BRAUNMUEHL SAID THAT HE WANTED TO MENTION THE
POINT SINCE, IF THIS POSITION IS A UK DECLARATION OF
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INTENT, THE UK SHOULD BE AWARE THAT SUCH A STEP WOULD
HAVE A "DEVASTATING" EFFECT, IN TERMS OF PUBLIC OPINION,
AND THAT THE REPERCUSSIONS WOULD BE FELT IN BILATERAL
RELATIONS. MEEHAN

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